

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BLAINE JOHNSTON and)	
MATTHEW MAZZIE,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No. 12-1689
)	
CITY OF PITTSBURGH, et al.,)	
)	
Defendants.)	

ORDER

TERRENCE F. McVERRY, United States District Judge.

Plaintiffs, Blaine Johnston and Matthew Mazzie commenced this action on November 16, 2012. Compl. [ECF No. 1]. The case was referred to United States Magistrate Judge Robert C. Mitchell for pretrial proceedings in accordance with Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Local Rules of Court 72.C and 72.D.

After a default judgment hearing was held, the Magistrate Judge's Report and Recommendation [ECF No. 90] filed on August 27, 2014 recommended that Plaintiffs' motion for default judgment be granted. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rules of Court 72.D.2, they had until September 15, 2014 to file any objections to the Report and Recommendation. No objections have been filed as of this date.

After a de novo review of the pleadings and documents in this case, together with the Report and Recommendation, and pleadings thereto, the following Order is entered:

AND NOW, this 16th day of September, 2014,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Default Judgment [ECF No. 87] is GRANTED as follows:

1. Plaintiff Johnston has proven by a preponderance of the evidence that Defendant is liable to Plaintiff Johnston for assault, battery and malicious prosecution and caused Plaintiff economic damages in the amount of \$302.00. Additionally, the Court finds that Plaintiff Johnston is entitled to an amount of \$5,000.00 for bodily harm and emotional distress caused by Defendant Brown's conduct;

2. Plaintiff Mazzie has proven by a preponderance of the evidence that Defendant Brown is liable to Plaintiff Mazzie for assault and battery. However, there is no evidence that Plaintiff Mazzie suffered economic damages, bodily harm or emotional distress and damages will not be awarded;

3. Plaintiffs have proven by a preponderance of the evidence that they are entitled to punitive damages for the extreme and outrageous conduct exhibited by Defendant Brown. Plaintiff Johnston is awarded \$5,000.00 in punitive damages and Plaintiff Mazzie is awarded \$5,000.00 in punitive damages;

4. The Clerk shall hereby enter judgment on behalf of Plaintiff Blaine Johnston in the amount of \$10,302.00, and shall enter judgment on behalf of Plaintiff Matthew Mazzie in the amount of \$5,000.00, with costs taxed to the Defendant.

IT IS FURTHER ORDERED that the Report and Recommendation [ECF No. 90] of the Magistrate Judge Robert C. Mitchell is hereby adopted as the Opinion of the District Court.

BY THE COURT:

s/Terrence F. McVerry
United States District Judge